

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
GREAT FALLS DIVISION**

CHRIS FRIEDE,

Plaintiff,

vs.

MORTY MANNING, et al.,

Defendants.

**CV-20-101-GF-BMM-JTJ**

**ORDER**

Plaintiff Chris Friede, a prisoner proceeding without counsel, filed a Complaint with this Court alleging violations of his civil rights under 42 U.S.C. § 1983. (Doc. 1). Friede did not file a motion to proceed in forma pauperis. United States Magistrate Judge John Johnston issued an Order on October 22, 2020, directing Friede to either file a motion to proceed in forma pauperis under 28 U.S.C. § 1915, or pay the \$400.00 filing fee required under 28 U.S.C. § 1914(a) to institute a civil action in federal court. (Doc. 2 at 5). The Court required Friede to file an amended complaint with a motion to proceed in forma pauperis by November 13, 2020. (*Id.* at 13). Friede has failed to respond to the Court's October 22, 2020 Order.

Judge Johnston issued Findings and Recommendations on January 12, 2021, recommending that the Court dismiss this matter based on Friede's failure to respond to the Court's prior Order. (Doc. 4 at 4). No party has filed objections to the Findings and Recommendations. 28 U.S.C. § 636. The Court has reviewed Judge Johnston's Findings and Recommendations for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981). The Court finds no error in Judge Johnston's Findings and Recommendations and adopts them in full.

### **ORDER**

Accordingly, **IT IS ORDERED:**

1. This matter is **DISMISSED** for Friede's failure to prosecute the action under Fed. R. Civ. P. 41(b).
2. The Clerk of Court is directed to close this matter and enter judgment pursuant to Fed. R. Civ. P. 58.
3. The Clerk of Court is directed to have the docket reflect that the Court certifies pursuant to Fed. R. App. P. 24(a)(3)(A) that any appeal of this decision would not be taken in good faith.

Dated this 29th day of January, 2021.

A handwritten signature in blue ink, reading "Brian Morris".

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Brian Morris, Chief District Judge  
United States District Court